Supreme Court, U.S.
FILED
DEC 14 1995
OFFICE OF THE CLERK

(1)

CASE NO. 95-937

In The

Supreme Court of the United States

October Term 1995

JAMES H. & ROSA ANN COSSETT, PRO PER.

PETITIONER(S)

-V-

WILLIAM JEFFERSON CLINTON, ET AL.,

RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI
TO THE OHIO SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

JAMES H. & ROSA ANN COSSETT
5783 XENIA STREET
BOWERSVILLE, OHIO 45307
(513) 453-2432

20 pp

QUESTIONS FOR REVIEW

1. What public debts are valid, whereby in aid of insurrection or rebellion against the United States sovereign laws to our flag or free people thereof was desecrated to incur payment of invalid debt?

2. In law was the Ohio Supreme Court unjust in the same manner to support the $1,211.25 sanction taken by the Federal District Court at Dayton, Ohio against Cossett's?

3. Should the words "ONE NATION UNDER GOD" remain in our pledge of allegiance to our flag, after the United States flag has been desecrated from a Sacred purpose to a profane use of purpose?

4. In law as our Bowersville, Ohio May 8, 1989 Emergency Ordinance Act 89-2 supersedes the invoked June 20, 1989 Emergency war powers Act "desecration" burning of our American flag, give just free exercise cause to free Religious protection under God for our American flag?

QUESTIONS FOR REVIEW

5. In law was the Ohio Supreme Court unjust to rule that it is "FRIVOLOUS" TO Honor a Divine Power usurped; "RESPECTING AN ESTABLISHMENT OF RELIGION OR PROHIBITING THE FREE EXERCISE THEREOF"?

6. In law, hence while our American flag has no Sacred purpose and is used for a profane purpose, and our American troops are going into Bosnia in aid to incur more DEBT to the American People, how can President Clinton ask, "GOD BLESS AMERICA"?

7. Under our "AMENDMENT 7" "In suits at common law, can this court otherwise Deny or re- examine "JUDICIAL NOTICE" taken under "PROCESS; MANDATES" issued by this court according to OUR rules of COMMON LAW COURT?

8. With what power in law; while full power responsibility rest **"H-E-R-E"**, can State Governors and the full U.S. Congress amend our one U.S. Constitution after the fact **["ex-post facto"]** our one American Flag is Criminally **DESECRATED** in volition thereof?

FOOTNOTE LIST OF PARTIES THAT
DO NOT APPEAR ON COVER

Respondent(s) Herein:
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and

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and

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and

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and

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and

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and

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Mike Lowry, Governor of Washington
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and

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and

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and

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and

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and

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Richard & Patricia Brown
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Community Urban Redevelopment, Inc.
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and

Jerome M. Strozdas, Attorney
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and

George G. Sodders, Clark County Auditor
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and

Gerold F. Lorig, Judge
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Springfield, Ohio 45502

and

Gary Ellison
P.O. Box 306 or 65
Bowersville, Ohio 45307

Foot Note:
All State Governors listed herein where duly served with a jurisdictional SUMMONS during the "FEDERALISM SUMMIT" at Cincinnati, Ohio; October 22 to the 24, 1995; President Clinton was on Ohio soil During the time period for which jurisdictional SUMMONS was also duly served.

GREENE COUNTY COMBINE HEALTH DISTRICT
Kathleen Boyle, Ed,D
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and

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and

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and

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and

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and

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and

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and

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and

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and

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and

Mrs. Carlene Hunston
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and

Mr. Scott Hammond
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and

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and

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Walter Gillard, Ph,D
1642 Diplomat Dr.
Beavercreek, Ohio 45432

and

Footnote:
The above Respondent(s) Parties on the 7th of December 1995, the Greene County Combined Health Board was given CONSTRUCTIVE NOTICE as not to desecrate any of Cossett's private or public property IN AID TO INCUR INVALID TAX DEBT.

COMMON LAW GRAND JURY

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and

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and

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and

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and

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and

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and

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and

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and

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and

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and

Phillip Douglas
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and

Russell Houck
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Gahanna, Ohio 43230

and

Thomas Beachman
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Columbus, Ohio 43232

and

Tim G. Wagner
165 Maplewood Circle
Urbana, Ohio 43078

and others

Footnote:
On October 7,1995 the above Common Law Grand Jury, Case No. 95-2066 [juxtaposition] SIDE-BY-SIDE, the Ohio Supreme Court **Writ of Mandamus Complaint,** Case of [Cossetts , sui juris, Pro Per -V- The Federalism Summit], No.95-2065, JUDICIAL NOTICE was taken thereof in summons to said court at law.
In Service to God and County,
Other Respondent(s) herein are the full U.S. Senate as listed in the case of [Cossett's -V- Clinton] Case No. 94-1580, June 5, 1995 Entry by this Court herein.
WHEREAS: The full U.S. Senate need not Amend our one U.S. Constitution under Senate Joint RESOLUTION 31.

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5-8-89 EMERGENCY POWER ACT 89-2	7.
..."but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or the claim for the loss of" INTERNATIONAL INVESTMENTS IN UNSECURED FEDERAL RESERVE NOTES TO PRIVATE INVESTORS THEREOF!	

OPINIONS IN OTHER COURTS

On Nov.20, 1995 the Ohio Supreme Court said, .."relators cannot prevail on the facts alleged in their compliant"...The court went on to say Relators cause for action is **"FRIVOLOUS"** whereby the relators compliant was a **SUMMONS** to the court to show just cause why it is **"FRIVOLOUS" to Honor God in a court of law in aid to stop the evil "DESECRATION" OF OUR AMERICAN FLAG.**

On Oct. 17, 1995 Judicial Notice was taken by our one supreme Court in suites at common law;

I PLEDGE ALLEGIANCE THAT THIS WRIT OF REVIEW IS TO FREE EXERCISE THE EXISTENCE OF A DIVINE POWER IN THESE UNITED STATES OF AMERICA, BOWERSVILLE, OHIO. WITH LIBERTY AND JUSTICE FOR ALL IN SUITS AT COMMON LAW COURT.

Foot **Note:**
"Judicial Notice was taken by our common law Grand jury that the symbolic sovereign religious position of the United States Flag was "DESECRATED" to force payment of invalid debt to the Federal Reserve Bank Corp., Pursuant to "PROCESS: MANDATES" Rule 45 of the U.S. Supreme Court. See [Cossett V. Clinton] Case No. 94-1580 June 5, 1995

GROUNDS TO INVOKE JURISDICTION

Case Law Review:

In the U.S. Supreme Court case of [Texas V. Johnson] June 20, 1989 this Court said **"THE OUT COME CAN BE LAID AT NO DOOR BUT OURS"** The United States Flag was then "DESECRATED" by burning it on the steps of the U.S. Supreme Court.

Moreover this Court refused the full U.S. Congress the right to Legislation that protected our flag in [U.S. -V- Eichman] This Court went as far to say, **"WE CANNOT HERE ASK ANOTHER BRANCH TO SHARE RESPONSIBILITY"**, by this Court's own words jurisdiction is **"HERE"**. It is **"HERE"** that Justice Stevens while dissenting said "It is Appropriate to emphasize certain propositions that are not implicated by this case". We the Petitioner(s) holds these truths to be self imposed and the U.S. Congress is with dirty hands to Amend our one Constitution on the flag "DESECRATION" issue; Ex-post Facto.

GROUNDS TO INVOKE JURISDICTION

While William Jefferson Clinton took an oath to a Divine Power, he placed his hand upon our Holy Bible to become President of the United States, and exercised into a contract alliance with the American One People "UNDER GOD".

On July 4, 1776 our founding fathers exercised a Declaration of Independents in order that all power vested in Government shall derive from the consent of the Govern. Moreover on Dec. 15, 1791 our founding fathers established and exercised our ten "BILL OF RIGHTS" **AN EMERGENCY WAS DECLARED. 5-8-89** thereof Right to Honor God was usurped. U.S. Supreme Court Rule 13 states in part "a petition for Writ of Certiorari to review a judgement in any case, civil or criminal, entered by a state court of last resort shall be deemed in time when it is filed with the Clerk of this Court within 90 days after the entry of the judgement".

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES & REGULATIONS INVOLVED

(1) U.S. Supreme Court Rule 12.
All parties other than petitioners shall be respondents, but any respondent who supports the position of a petitioner shall meet the time schedule for filing papers which is provided for that petitioner, ...shall be filed within 20 days after its receipt. It shall be the duty of the petitioner to notify all respondents, on a form supplied by the clerk.

(2) U.S. Supreme Court Rule 45 PROCESS: MANDATES
The filing of a petition for rehearing, unless otherwise ordered, will stay the mandate until disposition of petition. If the petition is then denied, the mandate shall issue forthwith. TO "DESECRATE" THE UNITED STATES FLAG IN AID TO INCUR PAYMENT OF INVALID DEBT FROM FREE STATES OR FREE ONE PEOPLE THEREOF, TO A "NEW IDEA" FEDERALISM.

(3) U.S.C. 18§700 O.R.C. 2927.11
des-e-crate 1. to divest of sacred or hallowed character or office. 2. to divert from a sacred to a profane use or purpose.

(4) U.S. Constitution "Bill of Rights" First Ten Amendments to the Constitution and Amendment Fourteen Section 4. INCURRED PUBLIC DEBTS ARE "INVALID" UNDER EMERGENCY ORDINANCE NO. 89-2.

(5) OHIO ORDINANCE of 1787 COMMON LAW

(6) The Federalism Government is on an "INTERIM SHUT DOWN".

CONCISE STATEMENT OF CASE FACTS

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"In Law", at Dayton, Ohio there is no peace. The history of present day Federalism Government is a history of repeated injury, sanctions, fines, the loss of Life & Property, usurpation of right way law, and **ALL IN LAW** having a direct objection to our **GOD-GIVEN RIGHT** TO HONOR A DIVINE POWER IN A COURT OF LAW TO STOP THE "DESECRATION" OF OUR FLAG.

"TO PROVE THIS, LET THESE FACTS BE SUBMITTED TO A WORLD".UNDER GOD AND OUR AMERICAN FLAG.

IN A COURT OF LAW

IN COMMON LAW: at the office of Ohio Sec. of State Jointly to James H. & Rosa Ann Cossett is a valid U.C.C. Title One 207, 2-07-95 contract statement and covers the following, Church & State contract alliance **"in law" at Volume 102 page 147 is a 91 year old contract alliance between "CHURCH AND STATE" is a valid contract lien today "TO PROMOTE THE INTEREST OF THE" our Lien and "CHRISTIAN RELIGION"; AND OUR AMERICAN FLAG SOVEREIGNTY.**

CONCISE STATEMENT OF CASE FACTS

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In Common law Emergency Whereas: On May 8, 1989 our Church and Bowersville, Ohio Council passed Ordinance No. 89-2. This New "in Law" prohibited the Evil "DESECRATION" burning of "A PLACE OF WORSHIP" or "THE UNITED STATES FLAG". Section 4. of new Emergency Ordinance is as follows.

That this ordinance is hereby Declared to be an emergency measure necessary for the immediate preservation of the public peace, health safety of the Village of Bowersville, and further for this reason that there exist an imperative necessity for the earliest publication and distribution of the Codified Ordinance to the officials and residents of the Village, so as to facilitate administration, daily operation and avoid practical and legal entanglement.

In Law for 23 days, protecting our Flag & our Church said 5-8-89 Emergency powers Act was struck down in aid to incur payment of debt.

CONCISE STATEMENT OF CASE FACTS

----------o----------

In Federalism Law: On June 20, 1989, the 85th year of our lord said "contract alliance" thereof between Church and State, the U.S. Supreme Court purposely **"DESECRATED"** said contract alliance and by a free speech symbolic order to the American people; "DESECRATED" by burning the United States Flag on the steps of their supreme court building to exercise power over the American one people under God in aid to incur payment of Federalism Debt.

In Federalism Law: Again on June 14, 1990 (FLAG DAY) in the Federal District Court at Dayton, Ohio James H. & Rosa Ann Cossett were Sanctioned $1,211.25 for Demanding that the Evil **"DESECRATION"** burning of our American flag be stopped. See [Cossett V. The Federal Judiciary] Docket #38 Case No. C-3-90-183; The Ohio Supreme Court Upheld the Same Judgement **by** this case **"in law"**.

ARGUMENT

"IT IS NOT RIGHT" again "IT IS NOT RIGHT", so said President William Jefferson Clinton as he "in law SHUT DOWN" the Federal Government & "in Law" again as not to in aid any more invalid debt to the Free and Independent States or free American one People thereof, until disposition of DEBT; There is no way in "seven years" -or- "ten years" the Federal budget can be balanced until the 1913 Federal Reserve Bank Act is Terminated as a matter of contract Right due to Insurrection or Rebellion against our American flag in aid to incur invalid debt payment. We the Petitioners nor Respondents who join in support of Petitioners sovereign Religious "Perfect Union" position should not be sanctioned or fined for our religious free redress of grievance, or any Pensions or Bounties for services in suppressing insurrection or rebellion against our Religious Freedom "SHALL NOT BE QUESTIONED" in any dejure Constitutional Common Law Court

PRAYER FOR RELIEF

We the petitioner(s), as one common law people "Under God" and our one common law Flag of American Respondent(s), are in perfect union support of said Petitioner(s) James H. & Rosa Ann Cossett Pro Per; PRAY TO A DIVINE POWER IN LAW FOR THIS COURT AT LAW TO OVERTURN THE CASE OF [Texas V. Johnson]; Thereof in God's law spits in the face of Divine Power free speech of our common law American Flag, under O.R.C. 2927.11.

WHEREAS: The full 1/3 Legislative power vested in our one U.S. Congress passed House Resolution 79 in joint with Criminality U.S.C. 18 § 700

WHEREAS: 3/4 of several State Governor Respondent(s) need not Amend our one U.S. Constitution as passed by both House & Senate to surrender our one common law Religious Power Position **"to the States" or** Freedom Position of power **"to the people".**

A TOTAL OF JOINT JUDICIAL AND LEGISLATIVE 2/3 power: In suites at common law or at law

therof must now Repeal the 1913 Federal Reserve Bank Act in order to expire its term of power over a Divine Power to incur payment of invalid debt. In suites at common law, where the value in controversy shall exceed twenty dollars, free and independent states, they have full power to "LEVY WAR", as not to "Declare War" against a Divine Power but to stop all insurrection and rebellion thereof against our American common law Flag "UNDER GOD" in aid to incur payment of Public Debt. Whereas an alternative to Levy of War is to conclude peace; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against any flag of the United States or our one common law American Flag. Any claim for the loss of Federal Reserve Bank investments after said Bank is terminated thereof, all such debts, oblications, and claims shall be held illegal

and void. Congress and our President do have 2/3 power by appropriate Legislation and joint Executive order to stop the Evil Desecration burning of our American Flag without any Senate Resolution 31 Amendment to our one U.S. Constitution. Hence while in Dallas, Texas Respondent Gregory Lee Johnson Desecrated by burning our one common law American Flag in aid to incur payment of invalid debt. We the Petitioner(s) do not support Johnson's free speech Religious Position; moreover we are outraged with the State of Texas who surrendered our sovereign religious power position. The Texas Penal Code 42.09 that Prohibits the Evil Desecration of Venerated (REFERENCE) objects such as our American Flag or a Place of Worship. Furthermore in Waco, Texas both our Flag and a Place of Worship have been "DESECRATED" by the Federal Government in aid to incur payment of debt, causing the loss of life and property. We the Petitioner(s) will not surrender our Religious Power Position.

APPENDIX ONE
THE SUPREME COURT OF OHIO

1995 TERM

To Wit: 10-18-95

State of Ohio Ex rel. :
Respectively, or to James :
H. & Rosa Ann Cossett sui :Case No. 95-2065
juris pro per, :

V. : **IN MANDAMUS**

Executive State Governors :
Federalism Summit et al., : **E N T R Y**
Respondents. :

This cause originated in this Court on the filing of a complaint for a writ of mandamus and was considered in a manner prescribed by law.

In State ex rel. People v. Anderson (1995), 73 Ohio St. 3d 559, this Court held that "[w]hile sua sponte dismissal of a compliant without notice is generally inappropriate, it is proper where the compliant is **frivolous** or the claimant obviously cannot prevail on the facts alleged in the complaint. See State ex rel. Edwards v. Toledo City School Dist. Bd. of Edn. (1995), 72 Ohio St. 3d 106, 108, 647 N.E.2d 799, 801 citing Baker v. Dir U.S. Parole Comm. (C.A.D.C 1990), 916 F. 2d 725, and English v. Cowell (C.A.7, 1993), 10 F.3d 484. "Relators cannot prevail on the facts alleged in their complaint or, indeed, on any set of facts, because this Court lacks authority to grant the relief requested in their complaint. Accordingly, **IT IS ORDERED BY THE COURT** sua sponte that, under the authority of State ex rel. People v. Anderson, this cause be, and hereby is, dismissed.

_____/s/_____
Chief Justice, **Thomas J. Moyer**

APPENDIX TWO
THE SUPREME COURT OF OHIO

1995 TERM

To Wit: 11-22-95

State of Ohio Ex rel. Respectively, or to James H. & Rosa Ann Cossett sui juris pro per,	:	Case No. 95-2065
V. Relators,	:	**RECONSIDERATION E N T R Y**
Executive State Governors Federalism Summit et al., Respondents.	:	**IN MANDAMUS**

IT IS ORDERED by the Court that the motion for reconsideration in this case be, and hereby is, **denied.**

Nov. 22, 1995

_____/s/_____
Chief Justice, **Thomas J. Moyer**

APPENDIX THREE

CONSTITUTIONAL COURT OF WE THE PEOPLE
IN AND FOR
THE UNITED STATES OF AMERICA
country of Ohio, Our One Supreme Court
Common law Venue: Original and exclusive
Jurisdiction A Superior court sitting with the
of a Circuit United States District Court For
Franklin County, Ohio Sovereign state

The People, ex rel. U.S.of America "UNDER GOD"	) Case No. 95-2066)Pending in The Ohio)Supreme Court
Relators,	) Case No. 95-2065) COMPLAINT FOR) WRIT OF) MANDAMUS
-Vs-	
The Federalism Summit et al,	) SUMMONS)RECEIVED OCT. 19,95)MARCIA J.MENGEL,)CLERK SUPREME COURT)OF OHIO
Respondents.	)

JURISDICTION TO ISSUE SUMMONS FROM COMMON LAW MANDAMUS WRIT "UNDER GOD"

Ohio Constitutional Bill of Rights
Article I Section 10.
23. "Since the common law grand jury has existed in Ohio without controversy since the ordinance of 1787, a common law grand jury would be recognized in Ohio even though there where no statutory authority". THEIR IS NOW A RELIGIOUS PUBLIC CONTROVERSY CAUSE FOR THIS MANDAMUS ACTION FOR THE FEDERALISM SUMMIT TO BE ISSUED THIS SUMMONS TO STOP THE EVIL DESECRATION OF RELIGIOUS FREEDOM. WHEREFORE: The Federalism Summit is the last resort, before our Constitutional Militia for the security of a free State, the right of the people to keep and bear arms shall not be

to defend the symbolic sovereign religious position of the United States Flag our Ten Commandments Monument on State of Ohio, County of Greene property, from all enemies, both Foreign and Domestic to incur payment of any Federal Reserve Bank Corp., invalid debt to the states or "WE THE PEOPLE".

COMMON LAW WRIT OF MANDAMUS STATEMENT OF FACT

To: (All Respondents "UNDER GOD") 10-17-95

"UNDER GOD", Having duly convened a Grand jury of the people in common law and the Grand jury having voted unanimously for this Mandamus action you are hereby SUMMONS and Commanded by this writ to give due process consideration to the "WRIT OF MANDAMUS" filed in the Ohio Supreme Court, Case No.95-2065, attached hereto and made part of common law court to do all those things necessary to carry out said action in mandamus or show just cause why this writ of mandamus should not lie to Relators but issue an alternative Writ under Ohio Supreme Court Rule X. Original Action filed thereof by Relators James H. & Rosa Ann Cossett "UNDER GOD" October 10, 1995.

Respondents: Dr. William J. Peary, Thomas J. Moyer, and others in the foot note list of parties.

Judicial Notice was taken by our common law Grand jury that the Symbolic sovereign religious position of the United States Flag was "Desecrated" to force payment of invalid debt to the Federal Reserve Bank Corp., pursuant to "PROCESS; MANDATES" Rule 45 of the U.S. Supreme Court See [Cossett V. Clinton] Case No. 94-1580 June 5. 1995.

APPENDIX FOUR

JURISTS OATH

I, here by affirm and attest that I am one of "We the People" as declared and described by the Preamble of our National Constitution of 1787, who **DO** ordain and establish this original Constitution for the united States of America as the principles and supreme law by which Our Republic form of government shall operate, I will do all possible in my capacity to Command Our government to operate "in law" and protect the peoples God-given birth right as partially stated in the "Bill of Rights". I have/owe no condition of servitude, allegiance or obligation to any foreign government, state, existing, except my accountability to our Creator. His Creation and the Truth. I am fully aware of my right, duty, and responsibility along with my peers. to find , sort out, and apply the Truth/Fact in just, lawful and peaceful manner to the very best my ability. **So help me God.**

On October 17, 1995 [juxtaposition] common law and the ohio supreme Courts/Grand Jury met

Jurists voted; Yea 23 Nea 0

Action **AFFIRMED** _____/S/_____

Chief Jurist, Raymond Hathcock

Statitutory Court Charges MANDAMUS

NOTARY PUBLIC SEAL

_____/S/_____

Bill Ellwood

Duly appointed, commissioned, empowered and privately bonded.

The Federal Government has not been

D-E-L-E-G-A-T-E-D with P-O-W-E-R by free States to "DESECRATE" our United States Flag.

APPENDIX FIVE

16408 CONTRACT ALLIANCE OF CHURCH & STATE
Form B.

Article of Incorporation
of

The Bowersville
Church of Christ

Filed in the office of Secretary of State, at Columbus, Ohio, on the 20th day June A.D. 1904 and recorded in Volume 102 page 147 of the records of Incorporation.

/s/
Secretary of State, Lewis C. Laylin

REMARKS

The State of Ohio, County of Greene S.S.

I, /s/ Clerk of the Court of Common
S.O. Hale

please, ..."to promote the interest of the Christian religion;" 21st day of January 1904 A.D.

RECEIVED OCTOBER 2, 1994 MARCIA J. MENGEL, CLERK, SUPREME COURT OF OHIO; FILED BY FREE EXERCISE THEREOF IN ORDER TO VALIDATE RELIGIOUS FREEDOM "UNDER GOD" & OUR FLAG !

CASE NO. 95-937

(2)

Supreme Court, U.S.
FILED
JAN 16 1996
CLERK

In
The Supreme Court
of the United States

October Term 1995

JAMES H. & ROSA ANN COSSETT,

PETITIONERS,

-V-

WILLIAM JEFFERSON CLINTON, ET AL.,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF OHIO

RESPONDENT ADMINISTRATOR OF THE OHIO MASONIC HOME'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

DANIEL C. HARKINS, COUNSEL OF RECORD
AND
REGINA A. WATSON
MARTIN, BROWNE, HULL & HARPER
ONE S. LIMESTONE ST. - 8TH FLOOR
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27 PM

QUESTIONS PRESENTED FOR REVIEW

1. Should this Court Deny the Petition for Certiorari Because the Petition Is Incomprehensible and Frivolous?

2. Should this Court Order Petitioners to Pay to Respondent Administrator of The Ohio Masonic Home Double Court Costs and the Respondent's Reasonable Attorney's Fees and Expenses Incurred in Opposing the Petition for Certiorari?

3. Assuming arguendo that the Petition is Not Incomprehensible and Frivolous, Should this Court Dismiss the Petition Because the Court Lacks Jurisdiction?

4. Assuming arguendo that the Petition Confers Jurisdiction upon this Court and Is Not Incomprehensible and Frivolous, Should this Court Deny the Petition Because It Raises No Important Issue of Federal Law and Identifies No Conflict among State or Federal Courts?

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STATEMENT OF THE CASE

Over the years, Petitioners James H. Cossett and Rosa Ann Cossett, a married couple, continually have filed unintelligible and frivolous complaints and petitions in various federal and state courts. For reasons which will become apparent, the Cossetts almost always have proceeded pro se.

The Cossetts apparently bear some ill will against The Ohio Masonic Home relating to the foreclosure sale of the Cossetts' family home in the early 1980's. Thus, the Administrator of The Ohio Masonic Home sometimes is named as a defendant or respondent in the Cossetts' numerous legal filings.

On October 10, 1995, the Cossetts initiated this action by filing a document styled "Complaint for Writ of Mandamus" with the Supreme Court of Ohio. That document named approximately one hundred and seven respondents, including the President, the

governors of the several states, a Judge of the Clark County, Ohio, Court of Common Pleas, "Federealism Summit," and the then Administrator of The Ohio Masonic Home.

Due to its rambling and incoherent content, the "Complaint for Writ of Mandamus" generally was unintelligible, but it did set forth a list of numbered "Demands for Relief." These demands included stopping "the evil 'Process; Mandates' desecration of the United States Flag . . . ," "a free State helth [sic] care fund for all persons over sixty-two years of age . . .," "a bounty of $1,911.95 . . . ," "the repeal of the income tax in its entirety . . . ," " taxation within the classes of imposts, excises and duties . . . ," "repeal of the Federal Reserve Act . . . ," and "prosecution as appropriate under God and the Sovereignty of the United States Flag without any yellow fringe Marshall Law Rule."

On October 18, 1995, the same date on which Petitioners filed their "Complaint for Writ of Mandamus," the Supreme Court of Ohio dismissed the action sua sponte "because this Court lacks authority to grant the relief requested in their Complaint." On November 22, 1995, that court denied the Cossetts' Request for Reconsideration. On December 14, 1995, the Cossetts filed their Petition for Writ of Certiorari with this Court.

SUMMARY OF THE ARGUMENT

The Petition for Writ of Certiorari is incoherent and incomprehensible. The Petition should be denied because it lacks meaning upon fair scrutiny and fails to comply with the basic requirements of Supreme Court Rule 14.1.

In this action, Petitioners continue their documented pattern of harassing elected public officials, members of the judiciary, public charities and unwitting private citizens, by naming these persons as defendants and respondents in frivolous and vexatious legal actions. As an appropriate sanction and deterrent in accordance with Supreme Court Rule 42, Petitioners should be ordered to pay to Respondent double court costs and Respondent's reasonable attorney's fees and expenses incurred in opposing the Petition.

Even if deemed wholly or partially intelligible, the Petition should be dismissed or denied because it fails to

satisfy the jurisdictional requirements set forth in 28 U.S.C. § 1257(a) and also fails to identify any compelling reasons authorizing discretionary review under Supreme Court Rule 10.1.

ARGUMENT

'Twas brilling and the slithy toves
Did gyre and gimble in the wabe;
All mimsy were the borgoves,
And the mome wraths outgrabe . . . .

-- Lewis Carroll, Jabberwocky

A. The Petition for Writ of Certiorari Should Be Denied Because It Is Incomprehensible and Frivolous.

Respondent Administrator of The Ohio Masonic Home joins distinguished company in this action as the Cossetts have named among the one hundred and seven respondents the President of the United States, the respective governors of the several states, the Speaker of the United States House of Representatives, and an Ohio Common Pleas Court Judge. Indeed, the Cossetts' pending Petition for Writ of Certiorari marks the second occasion on which they have pursued a claim against the President of the United States before this Court. See State ex rel. Cossett v. Clinton, 71 Ohio St. 3d 1411 (1994), reconsideration denied, 71 Ohio St. 3d 1437 (1994), cert. denied, _____ U.S.

_____, 115 S.Ct. 1825 (1995), rehearing denied, _____ U.S. _____, 115 S.Ct. 2291 (1995). The Supreme Court of Ohio dismissed the earlier action, which sought a writ of prohibition, sua sponte. Id.

In addition to elected officials, the Federal Judiciary also has been targeted by the Cossetts. See Cossett v. Federal Judiciary, 959 F.2d 234, 1992 WL 68230 (6th Cir. 1992), cert. denied, _____ U.S. _____, 113 S.Ct. 975 (1993), rehearing denied, _____ U.S. _____, 114 S.Ct. 339 (1993).

Regarding the Cossetts' action against "the Federal Judiciary" (and numerous other defendants, including then United States Senator Joseph R. Biden and then United States Representative Jack Brooks), the Sixth Circuit stated as follows:

> The Cossetts have filed an incomprehensible brief and 'appendices' in this court. Appellee . . . has filed a brief in which he requests double costs and attorney fees pursuant to Fed. R. App. 38.
>
> Upon consideration, it is concluded that the district court

> did not abuse its discretion in denying the motion for relief from judgment. Moreover, it is determined that the [appellee's] request for double costs and attorney fees under Fed. R. App. 38 should be granted, as this appeal is frivolous, unreasonable, and without foundation, and appears to have been pursued for harassment or other improper purpose. Accordingly, appellee . . . is directed to submit a bill of costs and attorney fees within fourteen days of the date of this order.

Cossett v. The Federal Judiciary, 1992 WL 68230 at *1 (upholding district court's dismissal of the Cossetts' action for failure to state a claim upon which relief may be granted) (emphasis supplied).

When Petitioner James Cossett brought action against United States Magistrate Judge Michael R. Merz of the United States District Court for the Southern District of Ohio, Ohio Governor George V. Voinovich, the Resolution Trust Corporation, and other defendants, an Ohio Court of Common Pleas entered summary judgment in favor of all the defendants. See Cossett v. Resolution Trust

Corp., No. 94-CA-31, 1994 WL 543229 (Ohio App. October 5, 1994), appeal dismissed sua sponte, 71 Ohio St. 3d 1465 (1995). Upon Mr. Cossett's inevitable appeal of this decision, the Ohio Court of Appeals commented as follows:

> Cossett, who appears in this litigation pro se, has failed to comply in any meaningful way with the requirements of App. R. 16 pertaining to briefs. Specifically, there is no statement of the case, no statement of facts and no assignments of error. Accordingly, this court has had great difficulty in discerning the origins of this controversy . . . ."

Id. (emphasis supplied)

In Cossett v. Merchants & Mechanics Federal Savings & Loan Association, No. CA 2636, 1990 WL 27500 (Ohio App. March 15, 1989), the court stated, "The Cossetts' opening and reply briefs fail completely to either point out the claimed errors in the record or to separately argue the claimed errors. We choose to disregard these claims

of error." A concurring judge commented as follows:

> This court has made every effort to comprehend, and then rule upon, errors assigned by pro se appellants, no matter how unartfully framed. I am sure that we will continue to do so.
>
> In this case, however, after having read the appellant's brief, I am simply unable to deduce the nature of the errors claimed to have been made by the trial court. I concur fully in the opinion of this court.

Id.

Further examples of the Cossetts' history of initiating frivolous litigation include Cossett v. Ledford, 772 F.2d 906, 1985 WL 13655 (6th Cir. 1985), cert. denied, 474 U.S. 1065 (1986), rehearing denied, 475 U.S. 1062 (1986) (appeal not based upon final appealable order and untimely in any event); Cossett v. Merchants & Mechanics Federal Savings & Loan Association, 835 F.2d 877, 1987 WL 25956 (6th Cir. 1987), cert. denied, 488 U.S. 1962 (1988) (no final appealable order); and Cossett v. Merchants & Mechanics Federal Savings & Loan

Association, 48 Ohio St. 3d 703 (1990), rehearing denied, 51 Ohio St. 3d 705 (1990).

The Petition produced by the Cossetts in the present action adheres to their established pattern of filing confoundingly incoherent pleadings. The Petition lacks a concise statement of the grounds on which the jurisdiction of this Court is invoked, the legal authorities involved in the case, the facts material to the consideration of the questions presented, and an argument amplifying the reasons relied upon for allowance of a writ of certiorari, all of which are required by Supreme Court Rule 14.1.

Supreme Court Rule 14.5 provides, "The failure of a petitioner to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition." Petitioners'

failure in this regard is notable. Accordingly, the Cossetts' petition should be denied.

B. This Court Should Order the Petitioners to Pay to the Respondent Administrator of The Ohio Masonic Home Double Court Costs and His Attorney's Fees and Expenses.

Supreme Court Rule 42 provides, "When a petition for a writ of certiorari . . . is frivolous, the Court may award the respondent or appellee just damages and single or double costs . . . against the petitioner . . . ."

The Cossetts' record of frivolous litigation pursued through preposterous pleadings is amply, though incompletely,[1] documented in the preceding subsection of this brief. This record demonstrates that the Cossetts will continue to assail unwitting defendants and courts, including this Court, with expensive and time-consuming jabberwocky until sufficient

---

[1] The great majority of the Cossetts' filings are addressed in unreported opinions of the Ohio Common Pleas Courts.

sanctions and deterrents are applied. Respondent Administrator of The Ohio Masonic Home understandably fears that absent forceful discouragement, the Cossetts' will continue their brazen campaign of legal harassment indefinitely.

In Cossett v. Federal Judiciary, 959 F.2d 234, 1992 WL 68230, the Sixth Circuit ordered the Cossetts to pay double costs and attorneys' fees to one of the appellees. Consistent with this persuasive though non-binding precedent, this Court should order the Petitioners to pay to the Respondent double court costs and the Respondent's reasonable attorney's fees and expenses incurred in opposing the Petition for Certiorari.

C. Assuming arguendo that Any Portion of the Petition For Writ of Certiorari Is Intelligible and Non-Frivolous, this Court Should Dismiss the Petition Because the Court Lacks Jurisdiction.

To the extent any statements in the Cossetts' Petition for Writ of Certiorari may be deemed intelligible, the statements

are insufficient to invoke federal jurisdiction.

The Cossetts have requested this Court to grant discretionary review of a judgment entered by the highest court of Ohio. The United States Supreme Court is a court of limited jurisdiction, and the circumstances under which this Court may review a decision rendered by the highest court of a state are determined by federal statute.

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. § 1257(a).

The Cossetts' Petition contains a section entitled, "GROUNDS TO INVOKE

JURISDICTION." However, neither in that section nor in any other section of their Petition do the Cossetts articulate the manner in which any United States treaty, statute, law, or constitutional provision is implicated in whatever dispute the Cossetts may have in mind.

Accordingly, even if portions of the Cossetts' Petition for Writ of Certiorari are deemed to be intelligible, the Petition should be dismissed for lack of jurisdiction, and the Administrator of The Ohio Masonic Home should be awarded damages and costs as requested in the preceding subsection of this brief.

D. Assuming <u>arguendo</u> that Any Portion of the Petition for Writ of Certiorari Is Intelligible and Non-Frivolous, and Confers Jurisdiction upon this Court, the Court Should Deny the Petition Because No Compelling Reason to Grant Review Exists.

The utterly frivolous nature of the Cossetts' Petition is underscored by its failure to address any of the factors which determine whether the Court will exercise its discretion to review a matter on writ of

certiorari. These factors are outlined in Supreme Court Rule 10.1.

> 1. A review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the court considers:
>
> (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided a federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and unusual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
>
> (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;
>
> (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided a federal

> question in a way that conflicts with applicable decisions of this Court.
>
> A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

Sup. Ct. R. 10.1. "[I]t is very important that [this Court] be consistent in not granting the writ of certiorari except in cases involving principles the settlement of which is of importance to the public, as distinguished from that of the parties . . . ." Rice v. Sioux City Memorial Park Cemetery, Inc., 349 U.S. 70, 79 (1955).

Here the Supreme Court of Ohio held only that it lacked authority to abolish the federal income tax, repeal the Federal Reserve Act, prosecute "as appropriate under God and the sovereignty of the United States Flag without any yellow fringe Marshall Law Rule," or otherwise comply with the outlandish "Demands For Relief" contained in the Cossetts' Complaint for Writ of Mandamus. This holding presents no

important question of federal law, and can scarcely be considered a matter of conflict or controversy among different courts.

Accordingly, even assuming that the Cossetts' Petition for Writ of Certiorari is intelligible and confers jurisdiction upon this Court, the Court nevertheless should deny the Petition because no compelling reasons exist to grant review.

CONCLUSION

Respondent Administrator of The Ohio Masonic Home respectfully requests this Court to issue an order denying or dismissing the Petition for Writ of Certiorari and ordering Petitioners to pay to Respondent Administrator of The Ohio Masonic Home double court costs and the Respondent's reasonable attorneys' fees and expenses incurred in opposing the Petition.

Respectfully submitted,

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PROOF OF SERVICE

The undersigned hereby certifies that three (3) copies of the foregoing Brief in Opposition to Petition for Writ of Certiorari were sent by first class United States mail, postage prepaid, to the Petitioners at 5783 Xenia Street, Bowersville, Ohio 45307, to the Solicitor General of the United States, Room 5614, Department of Justice, 10th St. and Constitution Avenue, NW, Washington, D.C. 20530, and to each of the Respondents at their respective addresses as set forth in the Petition, on the 16th day of January, 1996.

In the same manner and on the same date, courtesy copies of the foregoing Brief were forwarded to The Honorable Janet Reno, United States Attorney General, 5111 Main Justice Building, 10th St. & Constitution Avenue, NW, Washington, D.C. 20530, and to The Honorable Betty Montgomery, Attorney

General of Ohio, State Office Tower, 30 E. Broad Street, Columbus, OH 43215.

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